

## **REMARKS/ARGUMENTS**

### ***Amendments in General***

Claim 1 has been amended to specify that the sterilization cassette has “a pair of opposing latch assemblies, each of said opposing latch assemblies located either on one of said pair of opposing end walls or on one of said pair of opposing side walls,” and that “said pair of opposing latch assemblies [are] configured so as to allow said top cover to be moved from a closed position to an open position only after opposing pressure has been applied to both of said opposing latch assemblies.”

Similarly, claim 25 has been amended to specify that the assembly of two hinges is for use on a container having “a pair of opposing latch assemblies, said pair of opposing latch assemblies located on one of said pairs of opposing sides, wherein one of said pair of opposing latch assemblies is located on one side of said pair of opposing sides while another of said pair of opposing latch assemblies is located on another side of said pair of opposing sides,” and that “said pair of opposing latch assemblies [is] configured so as to allow said second hinge to be moved from said closed position to said first position only after opposing pressure has been applied to both of said opposing latch assemblies.”

These amendments add no new matter in that they are supported by the specification and drawings as originally presented. *See Specification*, ¶¶ 14, 37–40; *Figs. 2–8*. Specifically, paragraph 14 of the specification notes that

[i]n all designs, two opposing latch assemblies are provided so that equal and opposite pressure must be applied to the latches in order to unlatch the top cover so as to open it. The purpose of providing the double latches and the requirement for equal and opposite pressure is to prevent inadvertently pushing the transport rack off the surface upon which it is resting since the use of both hands is required to open the latches.

Paragraph 40 of the specification also notes that

[t]he purpose of two opposing latch assemblies is so that equal opposing pressure is applied to first cassette 32 when both release buttons 60 are pushed in to withdraw latch detent 64 from receiving holes 56, in equal inward motion. Thus the first cassette 32 will remain stable and stationary when it is being opened at the dental or orthodontic workstation. Again, this increases the stability and decreases the likelihood that the cassette will move, either falling itself to the floor

or worse yet, pushing something else off of the workstation/countertop onto the floor.

Further, Figs. 2–8 show the cassette or container having the pair of opposing latch assemblies located on opposing sides.

### ***Claim Rejections – 35 U.S.C. § 102***

#### **Claims 25 and 30–31**

The Examiner rejected claims 25 and 30 through 31 under 35 U.S.C. § 102(b) as being anticipated by the instrument cleaning cassette with guided double hinge described in U.S. Patent Number 5,482,067 (the Wittrock patent).

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of Cal.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 828 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). MPEP § 2131.

Claim 25 has been amended to specify that the container has “a pair of opposing latch assemblies, said pair of opposing latch assemblies located on one of said pairs of opposing sides, wherein one of said pair of opposing latch assemblies is located on one side of said pair of opposing sides while another of said pair of opposing latch assemblies is located on another side of said pair of opposing sides,” and that “said pair of opposing latch assemblies [are] configured so as to allow said second hinge to be moved from said closed position to said first position only after opposing pressure has been applied to both of said opposing latch assemblies.” Because they depend on claim 25, claims 30 and 31 include this limitation.

Wittrock describes an instrument-cleaning cassette that has two tabs (figure 1:72), located next to one another, that snap over the opposite wall when the frames are aligned. *See Wittrock*, col. 5, lines 58–61. The Examiner contends that these tabs constitute latch assemblies. While the applicant respectfully disagrees, even if the tabs constitute latch assemblies, because they are located next to each other on one side of the Wittrock cassette, Wittrock does not teach the element of claim 25, as amended, of having “a pair of opposing latch assemblies, said pair of opposing latch assemblies located on one of said pairs of opposing sides, wherein one of said pair of opposing latch assemblies is located on one side of said pair of opposing sides while another of said pair of opposing latch assemblies is located on another side of said pair of opposing sides . . . .”

Further, Wittrock does include the limitation of claim 25 as amended of “said pair of opposing latch assemblies [being] configured so as to allow said second hinge to be moved from said closed position to said first position only after opposing pressure has been applied to both of said opposing latch assemblies.” Wittrock makes no reference to the application of opposing pressure to the tabs. To the contrary, the cassette could be configured so that, to open the cassette, pressure may need to be applied only to one of the tabs.

Accordingly, each and every element of claim 25, as amended, and therefore of claims 30 and 31, are not found in Wittrock. Thus, Wittrock does not anticipate claims 25, 30, and 31.

***Claim Rejections - 35 U.S.C. § 103***

**Claims 1 and 26**

The Examiner rejected claims 1 and 26 under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Wittrock in view of the double hinge counter-weight cover assembly described in U.S. Patent Number 4,535,908 (the Dabich patent). The Examiner contends that modifying the instrument cleaning cassette with guided double hinge of Wittrock so as to include the features taught by Dabich would result in the present invention, with each and every element thereof.

As for the obviousness rejection of claim 1, claim 1 has been amended to specify that the sterilization cassette has “a pair of opposing latch assemblies, each of said opposing latch assemblies located either on one of said pair of opposing end walls or on one of said pair of opposing side walls,” and that “said pair of opposing latch assemblies [are] configured so as to allow said top cover to be moved from a closed position to an open position only after opposing pressure has been applied to both of said opposing latch assemblies.” In light of this amendment, applicant respectfully contends that claim 1, as amended, is not obvious over Wittrock in view of Dabich.

In this case, Wittrock and Dabich, when combined, do not include all of the claim limitations of claim 1 as amended, nor would it have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Wittrock and Dabich to include all such limitations. Specifically, Wittrock and Dabich, when combined, do not include the limitations of a cassette having “a pair of opposing latch assemblies, each of said opposing latch assemblies located either on one of said pair of opposing end walls or on one of said pair of opposing side walls,” wherein “a first horizontally oriented hinge portion [is] interconnected to either an end wall and said top cover, if said pair of opposing latch assemblies are located on said side walls, or a side wall and said top cover, if said pair of opposing latch assemblies are located on said end walls . . . .”

As noted above, Wittrock describes an instrument-cleaning cassette that has two tabs, located next to each other on the same side or end wall. *See Wittrock* Fig. 1; Col. 5, lines 58–61. Thus, Wittrock does not include the limitation of claim 1, as amended, of having a pair of opposing latch assemblies, “each of said opposing latch assemblies located either on one of said pair of opposing end walls or on one of said pair of opposing side walls.”

Nor does Wittrock include the limitation of claim 1, as amended, of having a first horizontally oriented hinge portion interconnected to either an end wall and a top cover, if a pair of opposing latch assemblies are located on the side walls, or a side wall and a top cover, if a pair of opposing latch assemblies are located on the end walls. To the contrary, to the extent Wittrock has a pair of end walls, its hinge portion is interconnected to an end wall and a top cover while both its latch assemblies are located on another end wall, not a pair of side walls.

Moreover, Wittrock does not include the limitation of claim 1 as amended of “said pair of opposing latch assemblies [being] configured so as to allow said top cover to be moved from a closed position to an open position only after opposing pressure has been applied to both of said opposing latch assemblies.” Wittrock makes no reference to the application of opposing pressure to the tabs. To the contrary, the cassette could be configured so that, to open the cassette, pressure may need to be applied only to one of the tabs.

Further, there is no motivation in Wittrock to modify its cassette so as to include the referenced limitations of claim 1, as amended. After all, the referenced limitations in claim 1 are features that are provided “so that equal and opposite pressure must be applied to the latches in order to unlatch the top cover so as to open it . . . [so as] to prevent inadvertently pushing the transport rack off the surface upon which it is resting since the use of both hands is required to open the latches.” *Specification*, ¶ 14. On the other hand, the Wittrock cassette as designed may be opened with only one hand in that both tabs are located next to each other on an end wall of the cassette (Fig 1:72), which implies that the cassette is configured so as to allow the cassette to be opened merely with the use of a thumb and forefinger on one hand. There is no motivation to modify the Wittrock device so that more than one hand must be used to open the cassette, which would be the result of modifying the Wittrock cassette to include the referenced limitations of claim 1, as amended.

Dabich describes a double hinge counter-weight cover assembly, an invention that “relates to heavy lids for subsurface enclosures, and particularly to lids on pre-fabricated pits designed for use in servicing aircraft, etc. at docking, loading and refueling terminals.” *Dabich*, col. 1, lines 11–14. While Applicant continues to disagree with the Examiner’s obviousness rejection based on Dabich, particularly to the extent the Examiner maintains that Dabich is analogous art to Applicant’s invention, *see Sept. 18, 2006, Response to Office Action Mailed*

June 6, 2006, pp. 8–9, Applicant further respectfully contends that even if Dabich is analogous art, claim 1, as amended, is not obvious.

The double hinge counter-weight cover assembly of Dabich does not contain any latches and is specifically designed to be opened using only one hand, as opposed to the present invention, in which the opposing latch assemblies are configured so as to allow the top cover to be moved from a closed position to an open position only after opposing pressure has been applied to both of the opposing latch assemblies. *See Dabich*, col. 4, lines 32–33 (“The lid 20 can be opened with one hand by most users.”). Accordingly, Dabich does not contain the limitation of claim 1 as amended of “a pair of opposing latch assemblies, each of said opposing latch assemblies located either on one of said pair of opposing end walls or on one of said pair of opposing side walls,” wherein “a first horizontally oriented hinge portion [is] interconnected to either an end wall and said top cover, if said pair of opposing latch assemblies are located on said side walls, or a side wall and said top cover, if said pair of opposing latch assemblies are located on said end walls . . . .” Further, Dabich does not contain the limitation of claim 1 as amended of having “a pair of opposing latch assemblies configured so as to allow said top cover to be moved from a closed position to an open position only after opposing pressure has been applied to both of said opposing latch assemblies.”

Finally, modifying Dabich so as to include the referenced limitations of claim 1, as amended, would result in the necessary use of two hands to open the cassette. However, Dabich boasts the benefits of allowing its device to be opened with only one hand, *see Dabich*, col. 4, lines 32–33, and thereby teaches away from the referenced limitations of claim 1, as amended.

Because neither Wittrock nor Dabich include the reference limitations of claim 1 as amended in that neither has a pair of opposing latch assemblies located on opposing walls or sides wherein the cassette may be opened only after opposing pressure has been applied to both of the opposing latch assemblies, Wittrock and Dabich, when combined, do not include all the claim limitations of claim 1 as amended. Further, because both Wittrock and Dabich are configured so as to be openable with only one hand, it would not have been obvious to one skilled in the art to further modify Wittrock or Dabich to include the limitations of claim 1 as amended because doing so would require a two-handed opening. Accordingly, Applicant respectfully contends that claim 1, as amended, is not obvious over Wittrock in view of Dabich.

As to the obviousness rejection of claim 26, claim 26 depends on claim 25, which has been amended in a manner similar to claim 1 to include the limitations of having “a pair of opposing latch assemblies located on one of said pairs of opposing sides, wherein one of said pair of opposing latch assemblies is located on one side of said pair of opposing sides while another of said pair of opposing latch assemblies is located on another side of said pair of opposing sides,” and that “said pair of opposing latch assemblies [is] configured so as to allow

said second hinge to be moved from said closed position to said first position only after opposing pressure has been applied to both of said opposing latch assemblies.” This amendment is similar to that made to claim 1. Accordingly, for the same reasons that claim 1 as amended is not obvious over Wittrock in view of Dabich, claim 26 is not obvious over Wittrock in view of Dabich, due to claim 26’s dependence on claim 25, as amended.

### **Claim 27**

The Examiner rejected claim 27 under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Wittrock in view of the disposable syringe needle separation and storage box described in U.S. Patent Number 4,576,281 (the Kirksey patent). The Examiner contends that modifying the instrument cleaning cassette with guided double hinge of Wittrock so as to include the features taught by Kirksey would result in the present invention, with each and every element thereof.

Claim 27 depends on claim 25. As noted above, claim 25 has been amended to specify that the container has “a pair of opposing latch assemblies, said pair of opposing latch assemblies located on one of said pairs of opposing sides, wherein one of said pair of opposing latch assemblies is located on one side of said pair of opposing sides while another of said pair of opposing latch assemblies is located on another side of said pair of opposing sides,” and that “said pair of opposing latch assemblies [are] configured so as to allow said second hinge to be moved from said closed position to said first position only after opposing pressure has been applied to both of said opposing latch assemblies.” In light of this amendment, Applicant respectfully contends that claim 27, because of its dependence on claim 25 as amended, is not obvious over Wittrock in view of Kirksey.

As explained before, the cassette in Wittrock does not contain the referenced limitations of claim 25 as amended, nor would it have been obvious to one skilled in the art to modify Wittrock to include such limitations because doing so would necessitate the use of two hands by most users to open the cassette while Wittrock, as described, may be opened with only one hand. Likewise, Kirksey does not contain the reference limitations. Most clearly, it does not contain a pair of opposing latch assemblies, let alone a pair of opposing latch assemblies located on opposing walls wherein pressure must be applied to both in order to open the container. Further, there is no motivation or suggestion to modify Kirksey to include such limitations.

Because neither Wittrock nor Kirksey include the reference limitations of claim 25, as amended, Wittrock and Kirksey, when combined, do not include all the claim limitations of claim 27, nor would it have been obvious to one skilled in the art at the time of invention to further modify either Wittrock or Kirksey to include the referenced limitations of claim 25, as

amended, and therefore of claim 27. Accordingly, Applicant respectfully contends that claim 27, in light of the amendments to claim 25, is not obvious over Wittrock in view of Kirksey.

### **Claims 28–29**

The Examiner rejected claims 28 and 29 under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Wittrock in view of the double hinge cap described in U.S. Patent Number 4,723,693 (the DeCoster patent). The Examiner contends that modifying the instrument cleaning cassette with guided double hinge of Wittrock so as to include the features taught by DeCoster would result in the present invention, with each and every element thereof.

Claims 28 and 29 depend on claim 25. As noted above, claim 25 has been amended to specify that the container has “a pair of opposing latch assemblies, said pair of opposing latch assemblies located on one of said pairs of opposing sides, wherein one of said pair of opposing latch assemblies is located on one side of said pair of opposing sides while another of said pair of opposing latch assemblies is located on another side of said pair of opposing sides,” and that “said pair of opposing latch assemblies [are] configured so as to allow said second hinge to be moved from said closed position to said first position only after opposing pressure has been applied to both of said opposing latch assemblies.” In light of this amendment, Applicant respectfully contends that claims 28 and 29, because of their dependence on claim 25, as amended, are not obvious over Wittrock in view of DeCoster.

As discussed above, Wittrock does not contain the referenced limitations of claim 25 as amended, nor would such modifications to Wittrock have been obvious to one skilled in the art. Likewise, the double hinge cap described in the DeCoster patent does not include all of these limitations, nor would it have been obvious to one skilled in the art to so modify DeCoster. Most notably, DeCoster does not include the limitation of having a “pair of opposing latch assemblies configured so as to allow said second hinge to be moved from said closed position to said first position only after opposing pressure has been applied to both of said opposing latch assemblies.” To the contrary, each hinge of DeCoster is configured so as to be moved from a closed position to an open (or other) position by application of pressure to only one of latch assemblies (fig 3:64). Therefore, application of opposing pressure to both of the latch assemblies is not a necessary prerequisite to moving DeCoster’s second hinge from a closed position to a first or other position. Also, there is no reason to believe that one skilled in the art would not have been motivated to modify DeCoster to include limitations that would require use of two hands by most users to open the container.

Because neither Wittrock nor DeCoster include the referenced limitations of claim 25 as amended, Wittrock and DeCoster, when combined, do not include all the claim limitations of claim 25, as amended, and therefore do not include all the claim limitations of claims 28 and 29.

Nor is there any reason to believe that it would have been obvious to one skilled in the art at the time of the invention to further modify Wittrock or DeCoster to include the referenced limitations of claim 25, as amended. Accordingly, Applicant respectfully contends that claims 28 and 29, in light of the amendments to claim 25, are not obvious over Wittrock in view of DeCoster.

In view of the above remarks and amendments, which add no new matter, Applicant respectfully submits that the present invention is patentable and respectfully requests the same.


***Conclusion***

If the Examiner feels it would advance the application to allowance or final rejection, the Examiner is invited to telephone the undersigned at the number given below.

Reconsideration and allowance of the application as amended is respectfully requested.

DATED this 4<sup>th</sup> day of September, 2007.

Very respectfully,

  
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